

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL ACTION NO. 3:00-CR-00174-GCM**

USA,

Plaintiff,

v.

LAMONT MAURICE GAITHER,

Defendant.

ORDER

THIS MATTER is before the Court upon Defendant Lamont Maurice Gaither's motions to reduce sentence pursuant to the First Step Act of 2018 (ECF Docs. 95 and 103).

Defendant Gaither asserts that Section 403 of the First Step Act of 2018 should be applied retroactively to reduce his sentence. The First Step Act amended § 924(c)(1)(C) by striking "second or subsequent conviction under this subsection" and inserting "violation of this subsection that occurs after a prior conviction under this subsection has become final." Pub. L. 115-135 § 403(a) (2018). However, the amendment is not retroactive to cases sentenced before the effective date of the Act. *Id.* § 403(b). Defendant Gaither is not entitled to relief from the "stacking" of his § 924(c) sentences under the First Step Act, because he was sentenced before the effective date of the Act. Therefore, after considering all the facts and circumstances set forth in Defendant Gaither's motions, the Court concludes that the motions should be **DENIED**.

IT IS HEREBY ORDERED that Defendant Lamont Maurice Gaither's motions to reduce sentence pursuant to the First Step Act of 2018 (ECF Doc. 95 and 103) are **DENIED**.

SO ORDERED.

Signed: June 1, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

